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09/410,414	10/01/1999	CHARLES P. THACKER	1018.011US1	6827

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EXAMINER

PAULA, CESAR B

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 17

Application Number: 09/410,414
Filing Date: October 01, 1999
Appellant(s): THACKER ET AL.

Himashu Amin
For Appellant

EXAMINER'S ANSWER

MAILED
JUN 3 0 2004
Technology Center 2600

This is in response to the appeal brief filed 4/7/2004.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The appellants' statement of the status of amendments after final rejection contained in the brief is correct.

(4) *Status of Amendments*

The appellants' statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of the Invention*

The summary of the invention in the brief is correct.

(6) *Issues*

The appellants' statement of the issues contained in the brief are correct.

Concerning appellants' request to recast objected to dependent claims into independent form at a later time (page 3, lines 2-5), it is noted that MPEP 1214.06 (I)(A) indicates that upon affirmation of an independent claim(s), the whole application, including objected to dependent claims, are abandoned. In this situation, the appellants can decide to file an RCE to continue prosecution, and recast the objected to dependent claims into an independent form.

(7) *Grouping of the Claims*

The following groups of claims stand or fall together: (1-33).

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

Pat. # 4,739,477, Barker et al (April 19, 1988).

Pat. # 5,111,397, Chirokas et al (May 5, 1992).

(10) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

- A. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

B. Claims 1-14, 20-27, and 30-33 remain rejected under 35 U.S.C. 102(b) as being anticipated by Barker et al, hereinafter Barker (Pat.# 4,739,477, 4/19/1988).

Regarding independent claim 1, Barker discloses the division of text portion into text paragraphs. These paragraphs are flowed around non-textual objects. The paragraphs are flowed, and displayed into a new page, if there is an overflow of text (c.12,L.1-67, c.15,L.1-c.16,L.67, fig. 11A-C).

Claims 2-3 are directed towards a method for implementing the steps found in claim 1, and therefore are similarly rejected.

Regarding claim 4, which depends on claim 1, Barker discloses the pouring of text paragraphs into a series of pages organized into at least one column of text. The paragraphs are dynamically poured into the pages by assigning page breaks, to accommodate the paragraphs when they overflow page boundaries. This process is continued until all the text is depleted (c.12,L.1-67, c.15,L.1-c.16,L.67, fig. 11A-C).

Regarding claim 5, which depends on claim 4, Barker teaches determining the maximum amount of text which can be fitted, or poured in into a line breaks to form paragraphs, pages--

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slots, until all the text lines, columns, and pages have been processed (c.12,L.1-67, c.15,L.1-c.16,L.67, fig. 11A-C).

Claims 6-13 are directed towards a method for implementing the steps found in claims 1, 4-5, 1, 1, 1, 4-5, and therefore are similarly rejected.

Regarding claim 14, which depends on claim 12, Barker teaches determining the maximum amount of text which can be fitted and area limited by margins—*height, and width* (c.8,L.35-67, c.12,L.1-67, fig. 11A -C).

Claims 20-27 are directed towards a computer program product on a computer-readable medium for storing the steps found in claims 1-8, and 4-5 respectively, and therefore are similarly rejected.

Claims 30-33 are directed towards a computer system for implementing the steps found in claims 6, 1, and 4-5 respectively, and therefore are similarly rejected.

Claim Rejections - 35 USC § 103

C. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

D. Claims 18-19, and 29 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Barker, in view of Chirokas et al, hereinafter Chirokas (Pat. # 5,111,397, 5/5/1992).

Regarding claim 18, which depends on claim 12, Barker discloses the division, and pagination of text into text paragraphs, and pages. (c.12,L.1-67, c.15,L.1-c.16,L.67, fig. 11A-C). Barker fails to explicitly teach *determining whether a current line refers to a footnote; upon determining that the current line refers to an footnote determining whether the footnote has sufficient room on the page to fit, given already filled slots on the page; and upon determining that the footnote has sufficient room on the page to fit, accommodating the footnote at a bottom of a column on the page, decreasing in number slots of the column as required*. Chirokas discloses the pagination of a document by determining whether a line corresponds to a footnote(s), if it does, then determining whether there is available space for the footnote considering the amount of space or lines available in the page. The footnote(s) is placed at the bottom of the page column as the lines are decreasing (c.1, L.27-c.2,L.67, fig. 1). It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of Barker, and Chirokas, because Chirokas teaches above the pagination of footnotes so as to place the references along with the page where they are referenced. Thereby properly laying out the footnotes in the document, along with the layout philosophy taught by Barker.

Regarding claim 19, which depends on claim 18, Barker discloses the division, and pagination of text into text paragraphs, and pages. (c.12,L.1-67, c.15,L.1-c.16,L.67, fig. 11A-C).

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Barker fails to explicitly teach *upon determining that the footnote has insufficient room on the page to fit, postponing accommodation of the footnote to a next page*. Chirokas discloses the pagination of a document by determining whether a line corresponds to a footnote(s), if it does not, then accommodating the overflow footnotes onto the next page (c.2, L.1-c.3,L.44, fig. 1-4). It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of Barker, and Chirokas, because Chirokas teaches above the pagination of footnotes so as to place the references along with the page where they are referenced. Thereby properly laying out the footnotes in the document, along with the layout philosophy taught by Barker.

Claim 29 is directed towards a computer program product on a computer-readable medium for storing the steps found in claim 18, and therefore is similarly rejected.

(11) Response to Argument

The appellants submit, in the current brief, that Barker teaches static pagination, and not pagination at the time of display based on the characteristic of the display device (page 4, lines 7-9). This argument was not submitted before prosecution was closed, because appellants stated in the response for reconsideration filed on 6/17/2003 regarding office action in paper 8, that Barker does not teach the processing and/or entering and/or pouring a predetermined document segment, determination of a plurality of page breaks in a document segment, and the dynamic pagination of a document segment (page 10, lines 12-29). Therefore, this new argument

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presented herein is considered conceited, since the appellant did not previously raise this argument based on the rejections addressed on paper 8.

In addition, the appellants state in the current brief, that Barker does not teach a document that includes a plurality of segments (page 4, lines 23-24, and page 5, lines 1-11). This argument was not submitted before prosecution was closed. Therefore, this new argument presented herein is also considered conceited, since the appellant did not previously raise this argument based on the rejections addressed on paper 8.

Regarding claims 1, 6, 20, 23, 26, and 30, the appellants remark that Barker does not teach or suggest processing and/or entering, and/or pouring a predetermined document segment (page 5, lines 12-14). The examiner disagrees, because Barker teaches the insertion of an object into a document page. The document page is then reformatted, which then causes a portion of the document, such as a data superblock, to be repaginated and moved to the top of next page (col.12, lines 1-21, 50-57, col.14, lines 57-67, fig. 11A-C). In other words, the document is repaginated by moving or pouring reformatted document portions into following pages. This moving of the portion serves to accommodate the document portion, that overflow, or no longer fit within the page containing such portion, into other pages which have room for the overflow portion of the document.

Moreover, the appellants remark that Barker does not teach or suggest determining several page breaks within a predetermined segment (page 5, lines 14-15). The examiner

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disagrees, because Barker teaches the insertion of an object into a document page. The rest of the document, which is contained in the current page, and following pages—*predetermined segment*— is then reformatted, which then causes a portion of the document, having data such as a superblock, to be repaginated and moved to the top of next page, and this causes the following pages to be repaginated as well. An unformatted page is formatted or repaginated before display (col.12, lines 1-21, 50-57, col.14, lines 57-67, fig. 11A-C). In other words, the rest of the document is repaginated by moving or pouring the reformatted document portion (rest of the document) into following pages. This moving of the portion serves to accommodate this document portion, that overflows, or no longer fits within the following pages, into other pages which have room for the overflow portion of the document, thereby determining a plurality of page breaks for the document portion.

Moreover, the appellants indicate that Barker discloses the pagination of an entire document and/or the remainder of the document (page 5, lines 30-31). Thus, according to this statement, if only the remainder of the document is repaginated (determination of page breaks), then a plurality of page breaks are determined only on the remaining segment of the document that is repaginated before the document is displayed (Barker col.12, lines 54-57). This signifies, that the determination of the plurality of page breaks on the rest of the document is made before the document is displayed or the repagination is done on the predetermined (before the document is displayed) remaining portion of the document.

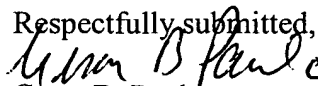
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Moreover, the appellants indicate that Barker discloses the current invention employs pouring to determine an amount of text that will fit onto each page (page 6, lines 1-2). This is basically what is done by Barker, when the rest of the document is repaginated, because part of the document will no longer fit in a current page (col.14, lines 57-67). This condition forces the overflow portion of the document to be moved onto the next page. Then, if the remaining document is unformatted (doesn't fit in the next page), then the document is repaginated or moved onto a next page until all the remaining portion of the document has been repaginated with page breaks. This signifies, that the determination of the plurality of page breaks on the rest of the document is made before the document is displayed or the pagination is done on the predetermined (before the document is displayed) remaining portion of the document.

In light of the explanations above, it is clear that Barker anticipates the invention as outlined in claims 1, 6, 12, 20, 23, 26, and 30, along with their respective dependent claims.

Conclusion

For all of the reasons stated above the Examiner believes that the rejections should be sustained.

Respectfully submitted,

Cesar B. Paula
Patent Examiner
AU 2178
June 23, 2004

Joseph Feild
JF(conf.)
Stephen Hong
SH(conf.)

